

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATE July 2, 2003
TIME 4:45 P.M.
PLACE CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Karl Rutherford
Jan Mills
David Williams
Jeff Kessler
Jack Rhoda

MEMBERS ABSENT

Mark Hermodson
James Miller

STAFF PRESENT

James Hawley
Margy Deverall
Kathy Lind
Jay Seeger, Attorney
Michelle D'Andrea

Jan Mills called the meeting to order.

I. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the June 4, 2003, Executive Committee public hearing as submitted. Jan Mills seconded and the motion carried by voice vote.

II. NEW BUSINESS

None

III. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved to continue **RE-0015-RUTAN RIDGE SUBDIVISION (RURAL ESTATE PRELIMINARY)** and **RE-0016-BOOTHE FARMS SUBDIVISION (RURAL ESTATE PRELIMINARY)** to the August 6, 2003 Executive Committee meeting. Jan Mills seconded and the motion carried by voice vote.

A. SUBDIVISIONS

- 1. S-3349—MARKET SQUARE MINOR SUBDIVISION #1 (MINOR-SKETCH):** Petitioner is seeking primary approval for a one lot commercial subdivision on 0.725 acres, located at the southeast corner of Greenbush and Erie Street, in the City of Lafayette, Fairfield 21 (NE)23-4.

Jeff Kessler moved to hear and vote on the above-described request. Jan Mills seconded the motion.

James Hawley presented slides of the location map, 2 aerial photos and site plan. He read the staff report with recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. "No Vehicular Access" statement shall be platted along Greenbush Street right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. An ingress/egress easement from the off-site Market Square entrance (Greenbush Street) connection to the lot shall be recorded prior to or with the final plat.
5. Easements for existing and proposed utilities and service lines shall be shown to the satisfaction of the Lafayette City Engineer.
6. All required building setbacks shall be platted.

7. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

8. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, stated that the petitioners were present. He concurred with the staff report and asked for approval.

The Committee voted by ballot 5 yes to 0 no for conditional primary approval of **S-3349—MARKET SQUARE MINOR SUBDIVISION #1 (MINOR-SKETCH).**

IV. **APPROVAL OF THE JULY 16, 2003 APC PUBLIC HEARING AGENDA**

James Hawley stated that **Resolution 03-01** needed to be placed on the agenda. He explained that this was the resolution presented by Jay Seeger at the last APC meeting. He stated that all of the new items on the July 16, 2003 agenda will not be able to be heard and should be continued to the July 24, 2003 special meeting. He stated that he has responses from 9 Commissioners that can attend that meeting. He explained that there would be a second agenda for the July 24, 2003 meeting.

Karl Rutherford asked for confirmation that there will be 2 separate meetings on July 16th and 24th, 2003.

James Hawley responded affirmatively. He explained that there were a significant number of cases that were not cleared off of last month's agenda and those cases can be heard July 16, 2003.

Jack Rhoda asked if those cases that can be heard were cases 1-7.

James Hawley replied affirmatively. He stated that case #8 would have to be continued to July 24, 2003 and case #9 would have to be continued to the August 20, 2003 meeting due to a filing problem.

Jeff Kessler asked if a motion should be made to continue those cases now, or at the July 16, 2003 meeting.

James Hawley stated that would be done at the July 16, 2003 meeting. He stated that case #12 would need to be continued to the August 20, 2003 meeting. He said that every subdivision except the first one would have to be continued to the July 24, 2003 agenda.

Karl Rutherford asked how this situation happened again.

James Hawley stated that when the advertisements were taken to the Leader on Friday June 27, 2003, they were informed that the deadline was the day before and could not be published.

Jeff Kessler asked if the Leader was changing the deadlines.

James Hawley stated that the Leader changed the deadline due to the July 4 holiday, but was not noticed by any staff member.

Karl Rutherford voiced his frustration that this situation has happened again. He pointed out that last time it happened the staff assured that it would not happen again. He stated that everyone's schedule gets screwed up when this happens.

James Hawley stated that the staff would certainly try to keep it from happening. He mentioned that the person normally responsible for taking the advertisements to the paper was on a two-week vacation and the fill in person followed the instructions as given and the paper changed the schedule.

Karl Rutherford reiterated that this keeps happening.

David Williams asked if it was mandatory to advertise in two publications.

James Hawley replied affirmatively. He explained that each publication has to be at least 10 days in advance and the Leader is the problem one.

David Williams asked if it was specified which publications were used.

James Hawley replied affirmatively.

David Williams asked if the advertisements could be placed in the Exponent.

Karl Rutherford asked if the advertisements could be placed in the Journal and Courier twice.

James Hawley replied negatively. He explained that neither of those options qualifies under the Indiana Code 5-3-1. He stated that when there are two papers of opposing political affiliation in one jurisdiction that are published weekly, advertising has to be in both. He pointed out that there are no other papers that are published weekly.

Karl Rutherford stated that everyone thinks it is the papers problem and it is the staff's problem. He said that the staff is not getting the job done and every one ends up looking bad.

James Hawley agreed. He mentioned that it is not proper to punish a staff member just because someone went on vacation.

David Williams asked if the petitioners would have to go to the July 16, 2003 meeting just to find out they have to come back on July 24, 2003

James Hawley stated that those petitioners would be notified by mail tomorrow of the change in date and agenda.

Karl Rutherford pointed out that if a filing is incomplete, the petitioner is penalized by a 30-day continuance. If the continuance is the staff's fault the petitioner is still penalized.

James Hawley explained that they were trying not to penalize the petitioners with a 30-day continuance by holding the special meeting as soon as possible. He stated that this was not an intentional mistake.

Karl Rutherford stated that he was not suggesting that it was intentional. He said that the plan that is in place to get this job done is not sufficient to have a high success rate.

James Hawley stated that there has been a high success rate for 27 years and it is due to the Leader starting to change the deadlines that the problem is occurring.

Jack Rhoda stated that he understands Karl Rutherford point of view, but also understands that the staff was put in a difficult position when the Leader has changed the date. He said that it is an honest mistake. He said that 3 times in 2 years sound like a good track record considering all the different filings, paperwork and deadlines that have to be contended with.

James Hawley informed the Committee that it has not always been the same staff member that has missed the deadline; it has been a different member every time.

David Williams suggested changing our dates in order to ensure the deadlines were met.

James Hawley stated that we have done that 3 times in the past 2 years to accommodate the papers.

David Williams commented that the Exponent probably has more circulation than anyone.

James Hawley reiterated that the Exponent does not publish regularly enough to meet the statute.

Jay Seeger stated that there are limited papers that fulfill the statute.

NEW BUSINESS

Jeff Kessler moved that **RESOLUTION 03-01** be placed on the July 16, 2003 Area Plan Commission Public Hearing Agenda. Jan Mills seconded and the motion carried by voice vote.

PUBLIC HEARING

A. ORDINANCE AMENDMENTS

Jeff Kessler moved that the following amendments be placed on the July 16, 2003 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #38 and UZO AMENDMENT #39

Jan Mills seconded and the motion was carried by voice vote.

B. REZONING ACTIVITIES

Jeff Kessler moved that the following rezone petitions be placed on the July 16, 2003 Area Plan Commission Public Hearing Agenda:

Z-2118-MANDALAY DEVELOPMENT (ASHBURY VILLAS PLANNED DEVELOPMENT)(R3 & R1 TO PDRS)

Z-2124-MICHAEL A. DILLING (R2 TO NBU)

Z-2125-MANN PROPERTIES, LLP C/O TIM STEVENS (A TO R1B)

Z-2127-RONALD D. KOEHLER & CINDY KAY MARSH (R1 TO NB):

Z-2129-R. GREGG SUTTER (Abingdon Rural Estate)(AW TO RE)

Z-2132-ABBINGTON DEVELOPMENT, LLC (NB TO GB)

Z-2133-O'MALLEY-WHITE DEVELOPMENT, INC. (NB TO GB)

Z-2134-WILLIAM M. FLEISCHHAUER (STATE STREET TOWERS PLANNED DEVELOPMENT) (PDNR TO PDMX)

Z-2135-AARON TYRRELL AND BETHANY TYRRELL (R1 TO NB)

Z-2136-DANNY E. AND HENRIETTA Y. PATTENGALE (GB TO R1)

Z-2137- JAMES FARMER (I3 TO GB)

Z-2138-NORMAN G. BENNETT AND DOLORES J. BENNETT

Jan Mills seconded and the motion carried by voice vote.

C. SUBDIVISIONS

Jeff Kessler moved that the following subdivision petitions be placed on the July 16, 2003 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3335-BAYWATER TOWNHOMES (MAJOR-PRELIMINARY PLAT)

S-3353-BILYEU MINOR SUBDIVISION (MINOR-SKETCH PLAN)

S-3355-DAUGHERTY SUBDIVISION (MINOR-SKETCH PLAN)

S-3356-SCHMIDT HAUS SUBDIVISION (MINOR-SKETCH PLAN)

S-3357-STONES CROSSING SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT)

S-3358-CRIBS R3 SUBDIVISION (MAJOR-PRELIMINARY PLAT)

S-3362-BIERY MINOR SUBDIVISION (MINOR-SKETCH PLAN)

S-3363-SHORTER COMMERCIAL SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT)

S-3364-BOSMA MINOR SUBDIVISION (MINOR-SKETCH PLAN)

Jan Mills seconded and the motion carried by voice vote.

V. APPROVAL OF THE SPECIAL JULY 24, 2003 APC PUBLIC HEARING AGENDA PUBLIC HEARING

A. ORDINANCE AMENDMENTS

Jeff Kessler moved that the following amendments be placed on the, JULY 24, 2003 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #39

Jan Mills seconded and the motion was carried by voice vote.

B. REZONING ACTIVITIES

Jeff Kessler moved that the following rezone petitions be placed on the JULY, 2003 Area Plan Commission Public Hearing Agenda:

Z-2134-WILLIAM M. FLEISCHHAUER (STATE STREET TOWERS PLANNED DEVELOPMENT) (PDNR TO PDMX)

Z-2137- JAMES FARMER (I3 TO GB)

Jan Mills seconded and the motion carried by voice vote.

C. SUBDIVISIONS

Jeff Kessler moved that the following subdivision petitions be placed on the JULY 24, 2003 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3353-BILYEU MINOR SUBDIVISION (MINOR-SKETCH PLAN)

S-3355-DAUGHERTY SUBDIVISION (MINOR-SKETCH PLAN)

S-3356-SCHMIDT HAUS SUBDIVISION (MINOR-SKETCH PLAN)

S-3357-STONES CROSSING SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT)

S-3358-CRIBS R3 SUBDIVISION (MAJOR-PRELIMINARY PLAT)

S-3362-BIERY MINOR SUBDIVISION (MINOR-SKETCH PLAN)

S-3363-SHORTER COMMERCIAL SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT)

S-3364-BOSMA MINOR SUBDIVISION (MINOR-SKETCH PLAN)

Jan Mills seconded and the motion carried by voice vote.

VI. REVIEW AND APPROVAL OF THE JUNE ABZA PUBLIC HEARING AGENDA

Jeff Kessler moved to place the following petitions on the July 23, 2003 Area Board of Zoning Appeals Public Agenda:

BZA-1640-REGINALD L. & LAURA J. ROY

BZA-1642-HAWKINS OUTDOOR

BZA-1643-BROTHERS OF WEST LAFAYETTE, INC.

BZA-1644 GREGORY A. JACOBS

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that for the following petitions the sign ordinance be strictly adhered to:

BZA-1642-HAWKINS OUTDOOR

BZA-1643-BROTHERS OF WEST LAFAYETTE, INC

Jan Mills seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

CASE #2003-23—CRAIG S. FEE

CASE #2003-24—RICKY L. HOLDERFIELD

CASE #2003-25—DAVID BORLAND

CASE #2003-26—JAY JOLLEY/SIGNMAN, INC.

CASE #2003-27—DR. MATTHEW E. EVANS

CASE #2003-28—ERIC LEHMAN

CASE #2003-29—GARY F. RICHARDSON

CASE #2003-30—EDWIN & SHARON INGERSOLL

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to the following petition, the sign ordinance be strictly adhered to:

CASE #2003-26—JAY JOLLEY/SIGNMAN, INC. Jan Mills seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE JUNE BUDGET REPORT

Jeff Kessler moved to accept the June 2003 Budget Report as submitted.

Jeff Kessler mentioned that the budget is right on target at half way through the year.

Jan Mills seconded and the motion passed by voice vote.

VIII. OTHER BUSINESS**IX. ADJOURNMENT**

Jeff Kessler moved to adjourn the meeting. Jan Mills seconded and the motion carried by voice vote.

The

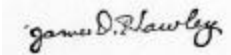
meeting adjourned at 5:00 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley
Executive Director